

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

WEDNESDAY, THE 14TH DAY OF JANUARY 2015/24TH POUSHA, 1936

Bail Appl..No. 9108 of 2014 ()

**CRIME NO. 844/2014 OF KALPAKANCHERY POLICE STATION,
MALAPPURAM DISTRICT**

PETITIONER/ACCUSED :

**SOMASUNDARAN
S/O. SETHUMADHAVAN, AGED 23 YEARS,
KIZHUVATH HOUSE, KODAKKAL
THIRUNAVAYA, MALAPPURAM DISTRICT.**

BY ADV. SRI.BABU S. NAIR

RESPONDENTS/STATE AND COMPLAINANT :

**1. THE STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM
KOCHI-682031.**

**2. THE SUB INSPECTOR OF POLICE
KALPAKANCHERY POLICE STATION,
MALAPPURAM DISTRICT, PIN -**

R1 & R2 BY PUBLIC PROSECUTOR SRI. SREEJITH V.S.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 14-01-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Mn

B.KEMAL PASHA, J.

B.A.No.9108 of 2014

Dated this the 14th day of January 2015

ORDER

Application filed under Section 438 of the Code of Criminal Procedure.

2. According to the petitioner, he is apprehending arrest in connection with Crime No.844 of 2014 of Kalpakanchery Police Station registered for the offences punishable under Section 379 of the Indian Penal Code and Sections 20 and 23 of the Kerala Protection of River Banks and Regulation of Removal of Sand Act, 2001.

4. The allegation against the petitioner is that on 19.12.2014 at 5.30 a.m., he was found transporting sand, by tipper lorry bearing Reg. No.KL-09 AY 8273 and that the said sand was illegally collected, without any authority. On seeing the police, the

petitioner ran away from the spot after leaving the lorry with the load of sand.

4. Heard learned counsel for the petitioner and learned Public Prosecutor. Perused the CD.

5. The investigation of this case is practically over. No criminal antecedents have been reported against the petitioner. There is nothing to be recovered from the petitioner, as the lorry and the sand have been seized. Considering the facts and circumstances of the case, I am of the view that this is a fit case wherein anticipatory bail can be granted to the petitioner.

In the result, this bail application is allowed and the investigating officer or such other police officer, who is conducting the arrest of the petitioner, is directed to enlarge the petitioner on bail in the event of his arrest on his executing a bond for Rs.25,000/- (Rupees twenty five thousand only) with two solvent sureties for the like sum each to the satisfaction of the officer

conducting arrest, and subject to the following terms and conditions:-

(i) The petitioner shall report before the investigating officer in between 09.00 a.m. and 11.00 a.m. on all Wednesdays and Saturdays commencing from 21.1.2015 for a period of three months or till the filing of the final report in this case, whichever is earlier.

(ii) The petitioner shall not tamper with the evidence or influence witnesses.

(iii) The petitioner shall make himself available for interrogation as and when required by the investigating officer.

(iv) The petitioner shall not involve in any offence while on bail.

It is made clear that the violation of any of the conditions stipulated above will result in the cancellation of bail.

Sd/-

B.KEMAL PASHA,
JUDGE

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PA to Judge